

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
January 18, 2011

The City Council convened in Regular Session on Tuesday, January 18, 2011, at 7:00 P.M. in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with President of the Council Michael Klinghammer, presiding, The Honorable Mayor Patricia M. York and the Members of the Council present as follows: Dave Beckering, Laurie Feldman, Bob Kneemiller, Larry Muench, Bridget Ohmes, Jerry Reese, Ron Stivison, Richard Veit, and Michael Weller. Absent: None. City Clerk Marilyn K. McCoy was present and performed the duties of that office.

File #47527

The meeting was opened with the Invocation, those present standing in a moment of silence, followed by the Pledge of Allegiance to the Flag.

PUBLIC COMMENT RELATIVE TO AGENDA ITEMS

Council Bill 10389 Relating to Funeral Picketing
James E. Arnac, 3103 Elm Street, spoke in favor of Council Bill 10389.

Tom Kuypers, 1005 Jefferson Street, spoke in favor of Council Bill 10389.

Council Bill 10416 Amending Section 50.02 Pertaining to Collection, Removal and Disposal of Solid Waste and Section 50.03 Pertaining to Unauthorized Disposal
Tony Bethman, 566 Glenco, spoke in opposition to Council Bill 10416.

BILLS FOR FINAL PASSAGE

Bill 10367 (*Held*)

An Ordinance Amending Chapter 36 of the Code of Ordinances of the City of St. Charles, Missouri by Creating a New Section to be Known as Section 36.20 Pertaining to Mandatory Vacation Leave for Certain Employees (*Sponsor: Bob Kneemiller*)

Council Bill 10367 was held pending discussion at the Council Work Session scheduled for January 25, 2011.

Bill 10380

An Ordinance Finding and Declaring that the Acquisition of Land, Right-of-Way or Easements for the Little Hills Industrial Boulevard Storm Sewer Project is Necessary for Municipal Purposes, and Authorizing Acquisition of Said Land (*Sponsors: Richard Veit and Michael Klinghammer*)

Passed “Aye”: Feldman, Klinghammer, Kneemiller, Muench, Ohmes, Reese, Stivison,
Veit, Weller, and Beckering
“Nay”: None
Absent: None

Approved by the Honorable Mayor on January 19, 2011, and is known as **Ordinance 11-12**

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Bill 10389 (Substitute Bill No. 1)

An Ordinance of the City of St. Charles, Missouri Amending Chapter 131 of the Code of Ordinances by Creating a New Section to be Known as Section 131.50 Relating to Funeral Picketing; Establishing a Penalty for Violations Thereof; and an Effective Date
(Sponsor: Richard Veit)

Passed “Aye”: Feldman, Klinghammer, Kneemiller, Muench, Ohmes, Reese, Stivison, Veit, Weller, and Beckering

 “Nay”: None

 Absent: None

Approved by the Honorable Mayor on January 18, 2011, and is known as **Ordinance 11-11**

Bill 10398 (Held)

An Ordinance Repealing Administrative Regulation 2.3.3, Version 4; Approving Administrative Regulation 2.3.3, Version 5, Regarding Medical, Dental and Vision Benefits for Employees with Certain Minimum Years of Service who Start City Employment Before January 1, 2011; Establishing a Range of Benefits for Non-Medicare Eligible Retirees Based on the Retiree’s Years of Service Ranging from \$400/Month for a Retiree with Twenty (20) Years of Service to \$450/Month for a Retiree with Thirty (30) or More Years of Service; Establishing a Benefit for a Retiree’s Non-Medicare Eligible Spouse of \$230/Month Before Retiree is Medicare Eligible and \$200/Month After the Retiree is Medicare Eligible; Establishing That, Upon Becoming Medicare Eligible, Those Employees Retiring Before February 2, 2012 Shall Receive Up To \$125/Month To Defray Cost of Purchasing a Medicare Supplement; and Establishing an Effective Date For Version 5 of Administrative Regulation 2.3.3 (Sponsor: Michael Klinghammer)

Council Bill 10398 was held pending discussion at the Council Work Session scheduled for January 25, 2011.

Bill 10402

An Ordinance Approving the Record Plat for Patriot Machine, Inc., a Subdivision of the City of St. Charles, Missouri (Sponsor: Richard Veit)

Passed “Aye”: Feldman, Klinghammer, Kneemiller, Muench, Ohmes, Reese, Stivison, Veit, Weller, and Beckering

 “Nay”: None

 Absent: None

Approved by the Honorable Mayor on January 19, 2011, and is known as **Ordinance 11-13**

Bill 10403

An Ordinance Authorizing a Contract with Luby Equipment Services for the Purchase of One (1) Doosan Model DX190W Wheeled Excavator for the Street Division in an Amount Not to Exceed \$131,785.00 (Sponsor: Michael Klinghammer)

Passed “Aye”: Feldman, Klinghammer, Kneemiller, Muench, Ohmes, Reese, Stivison, Veit, Weller, and Beckering

 “Nay”: None

 Absent: None

Approved by the Honorable Mayor on January 19, 2011, and is known as **Ordinance 11-14**

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Bill 10404

An Ordinance Rezoning to Zoning District C-3 Highway Business District from Zoning District PD-C (Planned Development-Commercial District) 6.027 Acres of Land Known as 1460 South Drive and 1560 and 1600 Veteran's Memorial Parkway (*Sponsor: Laurie Feldman*)

Passed "Aye": Feldman, Klinghammer, Kneemiller, Muench, Ohmes, Reese, Stivison, Veit, Weller, and Beckering

"Nay": None

Absent: None

Approved by the Honorable Mayor on January 19, 2011, and is known as **Ordinance 11-15**

Bill 10406

An Ordinance Repealing Ordinance No. 10-228 and Enacting a New Ordinance Authorizing the Establishment of Checking Accounts with Commerce Bank, N.A., and Designating Persons Authorized to Sign Checks (*Sponsor: Michael Klinghammer*)

Passed "Aye": Feldman, Klinghammer, Kneemiller, Muench, Ohmes, Reese, Stivison, Veit, Weller, and Beckering

"Nay": None

Absent: None

Approved by the Honorable Mayor on January 19, 2011, and is known as **Ordinance 11-16**

Bill 10407

An Ordinance Authorizing the Filing of an Application with the Missouri Division of Tourism, Cooperative Marketing Program, for the FY 2012 Convention Marketing Grant and to Sign All Necessary Documents to Accept and Receive Said Grant (*Sponsor: Ron Stivison*)

Passed "Aye": Feldman, Klinghammer, Kneemiller, Muench, Ohmes, Reese, Stivison, Veit, Weller, and Beckering

"Nay": None

Absent: None

Approved by the Honorable Mayor on January 19, 2011, and is known as **Ordinance 11-17**

Bill 10408

An Ordinance Authorizing the Filing of an Application with the Missouri Division of Tourism, Cooperative Marketing Program, for the FY 2012 Amateur Sports Marketing Grant and to Sign All Necessary Documents to Accept and Receive Said Grant (*Sponsor: Ron Stivison*)

Passed "Aye": Feldman, Klinghammer, Kneemiller, Muench, Ohmes, Reese, Stivison, Veit, Weller, and Beckering

"Nay": None

Absent: None

Approved by the Honorable Mayor on January 19, 2011, and is known as **Ordinance 11-18**

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Bill 10409

An Ordinance Approving a First Amendment to a Development NID Interim Finance Agreement; and Authorizing and Directing the Mayor of the City to Execute and Deliver Same (*Sponsors: Laurie Feldman and Bob Kneemiller*)

Passed “Aye”: Feldman, Klinghammer, Kneemiller, Muench, Ohmes, Reese, Stivison, Veit, Weller, and Beckering

“Nay”: None

Absent: None

Approved by the Honorable Mayor on January 19, 2011, and is known as **Ordinance 11-19**

Bill 10410

An Ordinance Accepting an Initial Deposit; Approving a Deposit Agreement in Connection With a Subdivision Known as the Streets of St. Charles at Noah’s Ark; and Authorizing and Directing the Mayor of the City to Execute and Deliver the Deposit Agreement (*Sponsors: Laurie Feldman and Bob Kneemiller*)

Passed “Aye”: Feldman, Klinghammer, Kneemiller, Muench, Ohmes, Reese, Stivison, Veit, Weller, and Beckering

“Nay”: None

Absent: None

Approved by the Honorable Mayor on January 19, 2011, and is known as **Ordinance 11-20**

BILLS FOR INTRODUCTION

The following Council Bills were introduced:

Bill 10411

An Ordinance Authorizing a Contract with KCI Construction Company for the Construction of the Boschertown Sanitary Lift Station Project in an Amount Not to Exceed \$3,665,000.00 (*Sponsor: Richard Veit*)

Bill 10412

An Ordinance Authorizing a Contract with Pipe Works Utilities, LLC for the Construction of the Boschertown Lagoon Force Main Project in an Amount Not to Exceed \$1,489,881.56 (*Sponsor: Richard Veit*)

Bill 10413

An Ordinance Amending Chapters 96 and 156 of the Code of Ordinances of the City of St. Charles by Repealing Section 96.08 Pertaining to Restrictions Against Tattooing and Amending Section 156.006 to Include a Definition of Tattooing, Body Piercing or Branding Establishments, Section 156.033 to Include Tattooing, Body Piercing and Branding Establishments as a Conditional Use in the C-2 General Business Zoning District, and Section 156.068 to Specifically Exclude Tattooing, Body Piercing and Branding Establishments as a Use in the Historic Downtown District (*Sponsors: Richard Veit and Dave Beckering*)

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Bill 10414

An Ordinance Authorizing the Vacation of General Utility Easements Located Between Lots 3 and 4 and Between Lots 4 and 5 of the Manors of Wynnbrooke Subdivision
(Sponsors: *Bridget Ohmes and Michael Klinghammer*)

Bill 10415

An Ordinance Authorizing Acceptance of Water Main Improvements, Storm Sewer Utilities, Streets and Their Appurtenances at The New Town at St. Charles – Phase 10A for Only that Portion of Said Plat Completed by Whittaker Homes, and Authorizing Release of Security Related Thereto (Sponsor: *Michael Klinghammer*)

Bill 10416 (Referred to Council Work Session)

An Ordinance Amending Chapter 50 of the Code of Ordinances of the City of St. Charles, Missouri by Amending Section 50.02 Pertaining to Collection, Removal and Disposal of Solid Waste and Section 50.03 Pertaining to Unauthorized Disposal
(Sponsor: *Michael Klinghammer*)

Following a brief discussion, Sponsor Michael Klinghammer referred Council Bill 10416 to the Council Work Session scheduled for January 25, 2011, for further discussion.

Bill 10417

An Ordinance Approving the Record Plat for Truman Corner, a Subdivision of the City of Saint Charles, Missouri (Sponsor: *Jerry Reese*)

President of the Council Michael Klinghammer requested that his name be added as a sponsor.

Bill 10418

An Ordinance Amending Chapter 156 of the Code of Ordinances of the City of St. Charles by Amending Section 156.006 to Include a Definition of Warming and Cooling Center and Sections 156.025, 156.026, 156.030 and 156.040 to Include Warming and Cooling Centers as Conditional Use in the A Agricultural Zoning District, R-1C, R-1D, R-E Single Family Residential Zoning District, Office Institutional Zoning District and Frenchtown Historic Commercial District Respectively (Sponsor: *Larry Muench*)

All Councilmembers requested that their names be added as sponsors.

ITEMS FOR DISCUSSION AND/OR COUNCIL ACTION

Discussion Relative to Establishing a Department Directors, City Clerk and City Attorney Performance Based Compensation Pool

President of the Council Michael Klinghammer requested input from the Council on the establishment of a performance based compensation pool for Department Directors, City Clerk and City Attorney, as required by Ordinance No. 10-119. President Klinghammer stated that the 2011 Budget reflects a 2.5% compensation pool for department directors; and suggested that the maximum per director be established at 2.5%. Discussion was held relative to the performance based compensation pool for department directors,

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including the performance evaluation process, the inclusion in the 2011 Budget to fund the contractual obligations with the unions and step increases for employees, and Council participation and/or review of the performance evaluations. President of the Council Michael Klinghammer stated that this item will be referred to a future meeting; and recommended that a discussion be held to establish the 2012 performance based compensation pool for department directors during budget discussions in the fall of 2011. File #47538

CONSENT AGENDA

Councilmember Bob Kneemiller removed *Item 10.D.1 Request for Authorization to Fill a Vacant Position in the Public Works Department (Engineer III) and Authorization for an Additional Contract Project Manager* and *Item 10.D.2 Request for Authorization to Fill Two Vacant Positions in the Police Department (Police Captain and Evidence Custodian)* from the Consent Agenda. A motion was made by LARRY MUENCH to approve the balance of the Consent Agenda. DAVE BECKERING seconded the motion. A roll call vote was taken, with the following results: "Aye": Klinghammer, Kneemiller, Muench, Ohmes, Reese, Stivison, Veit, Weller, Beckering, and Feldman. "Nay": None. Absent: None. Motion passed.

- A. Approval of Council Minutes (*none*)
- B. Approval of Council Committee Reports
 - 1. Approval of Council Committee Minutes (*none*)
 - 2. Approval of Council Committee Motions/Actions/Recommendations (*none*)
- C. Receipt of Reports from Boards, Commissions or Committees
 - 1. St. Charles Convention & Visitors Commission Meeting of October 28, 2010
 - a. Motion to Approve the September Financial Report
 - b. Motion to Approve the Following Contracts:
 - i. Sports Destination-Jan/Feb (Grant) - \$2,250.00
 - ii. Missouri River Relief - \$2,500.00
 - iii. Foundry Art Center-Annie Leibovitz Exhibit - \$6,000.00
 - iv. Missouri Valley Conference 2011 - \$22,500.00
 - v. KDNL-TV - \$37,500.00
 - vi. KSDK-TV - \$40,000.00
 - vii. KEZK - \$6,000.00
 - 2. Special Business District Advisory Board Meeting of October 7, 2010
 - a. Motion to Approve \$8,000.00 for Carriage Rides during Christmas Traditions

File #47335

File #47348

File #47315

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- File #47316 4. Beautification Commission Meeting of December 1, 2010
- File #47313 5. Veterans Commission Meeting of November 8, 2010
6. Board of Public Works Meeting of December 9, 2010
- a. Motion to Recommend Approval of the Easement Encroachment License at 32 Hampton Place Court
- b. Motion to Recommend Acceptance of Utilities at Lot 1 of the Pines at Elm Point Subdivision and Release of Escrow
- c. Motion to Recommend Approval of Change Order #1 with Ideal Landscape Group for the Emergency Creek Bank Stabilization at 1917 Park and 145 College Drive in an Amount not to Exceed \$43,845.75
- d. Motion to Recommend Approval of Contract with Pipe Works Utilities, LLC for the Marina Sanitary Lift Station Upgrades in an Amount not to Exceed \$174,600.00
- e. Motion to Recommend Approval of Supplemental Agreement #2 with Crawford, Murphy and Tilly, Inc. (CMT) for the Water Model and Master Plan Project in an Amount not to Exceed \$30,700.00

File #47337

- D. Receipt of Reports of the Director of Administration
1. Request for Authorization to Fill a Vacant Position in the Public Works Department (Engineer III) and Authorization for an Additional Contract Project Manager

ITEM REMOVED FROM THE CONSENT AGENDA

2. Request for Authorization to Fill Two Vacant Positions in the Police Department (Police Captain and Evidence Custodian)

ITEM REMOVED FROM THE CONSENT AGENDA

3. Request for Authorization to Fill a Part-Time Vacant Position in Public Works (Scat Bus Driver)

File #47539

- E. Approval of Contracts and Easements from \$30,001 - \$99,999
1. Contract with World Wide Technology for Hewlett Packard StorageWorks P4500 G2 SAS Multi-Site SAN Solution and HP Care Pack Support in an Amount not to Exceed \$75,533.87

File #47540

- F. Preliminary Plats

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- G. Miscellaneous
1. Approval of Arts and Culture Commission Expenditures
File #47541
2. Report of the Court Administrator for Monies Collected and Deposited during the month of December 2010
File #47320
3. Receipt of December Investment Report
File #47321

ITEMS REMOVED FROM THE CONSENT AGENDA

Item 10.D.1 Request for Authorization to Fill a Vacant Position in the Public Works Department (Engineer III) and Authorization for an Additional Contract Project Manager

Director of Administration Michael Spurgeon responded to an inquiry of Councilmember Bob Kneemiller that the funding for the Contract Project Manager is paid out of the funds allocated to the appropriate project. Councilmember Bob Kneemiller further suggested that the services provided by the Contract Project Manager relative to water/sewer projects be paid out of the Water and Sewer Bond Issue. Discussion was held relative to hiring a Contract Project Manager, including hiring additional Contract Project Managers in order to complete the 70 outstanding projects, support of the use of Project.com by the Public Works Department, and the need for justification from the Public Works Department for any additional Contract Project Managers requested beyond the Contract Project Manager included in the current request. A motion was made by LARRY MUENCH to approve Item 10.D.1 Request for Authorization to Fill a Vacant Position in the Public Works Department (Engineer III) and Authorization for an Additional Contract Project Manager. LAURIE FELDMAN seconded the motion. A roll call vote was taken, with the following results: "Aye": Kneemiller, Muench, Ohmes, Reese, Stivison, Veit, Weller, Beckering, Feldman, and Klinghammer. "Nay": None. Absent: None. Motion passed.
File #47542

Item 10.D.2 Request for Authorization to Fill Two Vacant Positions in the Police Department (Police Captain and Evidence Custodian)

Councilmember Bob Kneemiller voiced concern relative to the request for authorization to also approve any open position filled by an internal promotion or transfer, stating that all requests should be approved by Council. A motion was made by BOB KNEEMILLER to approve Item 10.D.2 Request for Authorization to Fill Two Vacant Positions in the Police Department (Police Captain and Evidence Custodian), with the deletion of the following sentence "In the event that the open position is filled by an internal promotion or transfer, we request that the new open position created by the promotion or transfer be authorized to be filled". RICHARD VEIT seconded the motion. A roll call vote was taken, with the following results: "Aye": Muench, Ohmes, Reese, Stivison, Veit, Weller, Beckering, Feldman, Klinghammer, and Kneemiller. "Nay": None. Absent: None. Motion passed.
File #47543

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REPORT OF THE MAYOR

Appointments to Boards and Commissions

A motion was made by LARRY MUENCH to approve the following appointments to Boards and Commissions as presented by the Honorable Mayor Patricia M. York:

Personnel Board: Reappointments of Robert Boschert, William Hearst and Molly Reilly for three year terms ending in January, 2014.

Beautification Commission: Appointment of Daniel Ford to fill the unexpired term of Jarvis Smith ending in October, 2011.

RON STIVISON seconded the motion. A roll call vote was taken, with the following results: "Aye": Ohmes, Reese, Stivison, Veit, Weller, Beckering, Feldman, Klinghammer, Kneemiller, and Muench. "Nay": None. Absent: None. Motion passed.
File #47544

Written and/or Verbal Messages from the Mayor

Martin Luther King Event. The Honorable Mayor Patricia M. York announced that the Human Relations Commission presented an award to Dr. Tom and Mary Harrison during the Martin Luther King Event at St. Cletus Catholic Church last night.

Fete De Glace. The Honorable Mayor Patricia M. York announced that Fete de Glace Event is scheduled for Saturday, January 29, 2011, in the 100 & 200 Block of North Main Street.

Convention Center. The Honorable Mayor Patricia M. York announced that the following events are scheduled at the Convention Center: St. Louis Golf Expo - January 21-23, 2011; Great Train Expo – January 29-30, 2011; and Midwest Wine & Grapes Conference – February 5-7, 2011.

Scheidegger Performing Arts Center – Lindenwood University. The Honorable Mayor Patricia M. York announced that the following events are scheduled at the Scheidegger Performing Arts Center at Lindenwood University: Russian National Ballet presenting Romeo & Juliet – January 21, 2011; Tango Buenos Aires – January 28, 2011; B. J. Thomas and Gary Puckett – February 12, 2011; and Bobbie Goldsborough – February 19, 2011.

Family Arena. The Honorable Mayor Patricia M. York announced that the following events are scheduled at the Family Arena: Extreme Ice Racing – January 22, 2011; Metcalf Gun Show – January 29-30, 2011; and Championship Bull riding – February 5, 2011.

Riverside Shakespeare Theatre. The Honorable Mayor Patricia M. York announced that Riverside Shakespeare will be presenting ART at the Foundry Art Centre on February 17, 18, and 19, 2011.

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Frenchtown Mardi Gras. The Honorable Mayor Patricia M. York announced that the Frenchtown Mardi Gras Parade is scheduled for Saturday, February 26, 2011.

Foundry Art Centre. The Honorable Mayor Patricia M. York announced that lunch is offered every Thursday at the Foundry Art Centre.

ANNOUNCEMENTS FROM COUNCILMEMBERS/MISCELLANEOUS

Written and/or Verbal Messages from the Councilmembers

Coach Ed Crenshaw. Vice President of the Council Dave Beckering announced that Coach Ed Crenshaw is being inducted in the Missouri Sports Hall of Fame on January 30, 2011.

The Regular Council Meeting was adjourned at 8:26 p.m.

Date Approved

City Clerk

Michael Klinghammer, Presiding Officer